

Serial No. 09/666,054
Amtd. Dated August 31, 2004
Reply to Office Action of June 1, 2004

Docket No. HI-0017

REMARKS/ARGUMENTS

Claims 1-5, 7-12, 14-17, 19, 20, 22-27, 29, 31-35, and 37-42 are pending in the application, of which claims 2, 4, and 7-12 are allowed. By the Amendment, claims 1, 5, 7, 10, 17, 22, 23, 25, 26, 29, 34, and 39 are amended and claims 6, 21, 28, 30, and 36 are cancelled without prejudice or disclaimer of the subject matter therein. It is believed that no new matter has been introduced into the application, and support for the claims can be found in the original specification, including the original claims, and the drawings.

Reconsideration of the application is respectfully requested for the following reasons.

Applicant gratefully acknowledges the indication in the Office Action, at page 7, that claims 2, 4, and 7-12 are allowed, and that claims 14-16, 30, and 36 contain allowable subject matter. However, Applicant respectfully submits that claims 14-16 depend from allowed claim 12, and thus are allowable for at least the same reasons, as well as additional patentable features recited therein, and the combinations thereof. Further, Applicant respectfully submits that all pending claims are in condition for allowance.

The Office Action, at page 2, rejects claims 5 and 6 under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection is respectfully traversed for at least the following reasons.

With respect to claim 5, Applicant respectfully submits that the claim language objected to in the Office Action can be understood by one of ordinary skill in the art as described in the

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present application, for example, at page 9, line 9 – page 11, line 13. With respect to claim 6, Applicant respectfully submits that the language objected to by the Office Action is not found in claim 6. Further, claim 6 is cancelled and the rejection thereof is therefore moot. Withdrawal of the rejection is thus respectfully requested.

The Office Action, also at page 2, rejects claims 1, 3, 17, 19, 20, 22-29, 31-35, and 37-42 under 35 U.S.C. § 102(e) over U.S. Patent No. 6,269,077 to Matsumura et al. (hereinafter “Matsumura”). Because Matsumura fails to teach all of the features of the claims, the rejection is respectfully traversed.

With respect to claims 1, 3, 17, 19, 22, and 25, Applicant respectfully submits that the Office Action does not set forth grounds for rejecting claim 21 over the cited art and that subject matter indicated to be allowable in claim 21 in the Office Action dated December 18, 2003, at page 5, is incorporated in independent claims 1, 22, and 25 for the sole purpose of expediting prosecution of the application. Therefore, claims 1, 22, and 25 define patentable subject matter.

For at least the reasons set forth above, Applicant respectfully submits that claims 1, 22, and 25 are allowable. Claims 3, 17, and 19 depend from claim 1, and thus are allowable for at least the same reasons, as well as additional patentable features recited therein, and the combinations thereof. Withdrawal of the rejection is thus respectfully requested.

With respect to claims 23, 24, 26-33, and 39-42, Applicant respectfully submits that subject matter indicated to be allowable in claim 30 is incorporated in independent claims 23, 26,

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and 39 for the sole purpose of expediting the prosecution of the application. Therefore, claims 23, 26, and 39 define patentable subject matter.

For at least the reasons set forth above, Applicant respectfully submits that claims 23, 26, and 29 are allowable. Claims 24, 27, 31-33, and 40-42 depend, directly or indirectly, from claims 23, 26, and 39, respectively, and thus are allowable for at least the same reasons, as well as additional patentable features recited therein, and the combinations thereof. Withdrawal of the rejection is thus respectfully requested. Claim 28 is cancelled and the rejection thereof is therefore moot.

With respect to claims 34, 35, 37, and 38, Applicant respectfully submits that subject matter indicated to be allowable in claim 36 is incorporated in independent claim 34 for the sole purpose of expediting the prosecution of the application. Therefore, claim 34 defines patentable subject matter.

For at least the reasons set forth above, Applicant respectfully submits that claim 34 is allowable. Claims 35, 37, and 38 depend from claim 34, and thus are allowable for at least the same reasons, as well as additional patentable features recited therein, and the combinations thereof. Withdrawal of the rejection is thus respectfully requested.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Garth D. Richmond**, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 34,596
Garth D. Richmond
Registration No. 43,044

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:SWN:GDR/par
Date: August 31, 2004

Please direct all correspondence to Customer Number 34610